REMARKS

In response to the Final Office Action mailed on October 18, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 5, 6, 9, 10, 15, 16, and 21 have been amended, leaving Claims 1-21 for consideration upon entry of the present amendments. No new matter has been added by the amendments.

Support for Claim Amendments

Support for the amendments can be found throughout the application, for example, see paragraph [0049], "Segment 1 is currently stored at three source locations 606: source location A, source location B and source location C. Therefore, the software that retrieves the segmented data file ABC may retrieve the data bundle associated with segment 1 from any of these three sources."

Claim Objections

Applicants respectfully submit that the claim amendments have remedied the objections to Claims 1, 16, and 21.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 6-8, 10-13, 15-16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Welsh, et al. U.S. Patent No. 6,757,691, hereinafter referred to as "Welsh", in view of the web page published by "GO.com" (02/05/2002), hereinafter referred to as "GO". Applicants respectfully traverse the rejection because Welsh in view of GO fails to teach or suggest all of the elements in Claims 1-3, 6-8, 10-13, 15-16 and 18-21.

Claim 1, as amended, recites "A method for providing delivery of a segmented data file comprising: receiving a request to send the segmented data file to a target device; querying a directory for one or more segments included in the segmented data file, wherein at least one of

the one or more segments included in the segmented data file corresponds to a plurality of source locations; and for at least one of the one or more segments: determining one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments; selecting one of the source locations for the at least one of the one or more segments, wherein the data bundle is retrievable from any of the determined source locations corresponding to the at least one of the one or more segments; and transmitting the data bundle from the selected source location to the target device." (Emphasis added.)

Welsh teaches predicting and presenting (via an Internet browser) content choices that are likely to be of interest to a user based on a degree of matching between a psychographic profile for the user and the available content. (Welsh; Abstract.) Welsh teaches that a single web page may be composed of several different files, potentially of different data types (for example, text, images, virtual worlds, sounds or movies). (Welsh; Col. 2, lines 5-8). A web page is not the same as a "segmented data file" as taught in Claim 1. The Examiner concedes that Welsh does not disclose "a segmented data file", "for each said segment determining one or more said source locations containing data bundles corresponding to said segment", nor "wherein at least one of the segments included in said segmented data file corresponds to a plurality of said source locations". The Examiner relies upon GO to cure these deficiencies by referring to the GO web page as a segmented data file, with the "NEWS.com" section of the first column as a segment, and different titles of news as different source locations. Applicants respectfully submit that the web page of GO is not a "segmented data file". Furthermore, assuming *arguendo,* that a web page is the same as segmented data file, which it is not, neither Welsh nor GO, alone or in combination, teach or suggest all of the elements of Claim 1, because they do not teach that "at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations" and "selecting one of the source locations for the at least one of the one or more segments, wherein the data bundle is retrievable from any of the determined source locations corresponding to the at least one of the one or more segments" (Emphasis added), recited in Claim 1 as amended. Even if each news title in GO is a different source location with retrievable data bundles, each source location in GO holds different data bundles, e.g., "Congress to Subpoena Fallen Enron Chief" vs. "Restoring Antarctica's Historic Huts" (listed on GO at page 1); therefore, "the data bundle" is not retrievable in GO from any of the determined source locations corresponding to the at least one of the one or more segments when at least one of the

one of the one or more segments corresponds to a plurality of source locations, as each "data bundle" for the same "segment" is clearly different in GO.

Therefore, GO does not cure the deficiencies of Welsh with respect to Claim 1. Accordingly, neither Welsh nor GO, alone or in combination, teaches or suggests all of the elements of Claim 1. Since they contain similar features, Applicants respectfully submit that Claims 16 and 21 are patentable over Welsh in view of GO for at least the reasons given above for Claim 1. Claims 2-3, 6-8, 10-13, and 15 depend from Claim 1, and thus are believed to be allowable at least due to their dependency on Claim 1. Claims 18-20 depend from Claim 16, and thus are believed to be allowable at least due to their dependency on Claim 16.

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh in view of GO as applied to Claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S. Patent No. 6,862,594 to Saulpaugh (hereinafter "Saulpaugh"). Applicants respectfully traverse the rejection because Welsh in view of GO, and in further view of Saulpaugh fails to teach or suggest all of the elements in Claims 4 and 17.

As stated above, Welsh in view of GO fails to disclose all of the elements of Claim 1, from which Claim 4 depends. In addition, Saulpaugh fails to teach or suggest at least the elements "at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations" and "selecting one of the source locations for the at least one of the one or more segments, wherein the data bundle is retrievable from any of the determined source locations corresponding to the at least one of the one or more segments", as recited in Claim 1 as amended. Therefore, Saulpaugh does not cure the deficiencies of Welsh in view of GO with respect to Claim 1. Accordingly, neither Welsh in view of GO nor Saulpaugh, alone or in combination, teaches or suggests all of the elements of Claim 1. Applicants respectfully submit that Claim 4 is allowable at least due to its dependency on Claim 1. Further, because it contains elements that are similar to the elements in Claim 4, Applicants respectfully submit that Claim 17 is allowable at least due to its dependency on Claim 16.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh in view of GO as applied to Claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S. Patent Application Publication No. 2004/0236785 to Greiner (hereinafter "Greiner").

Applicants respectfully traverse the rejection because Welsh in view of GO and in further view of Greiner fails to teach or suggest all of the elements in Claim 5.

As stated above, Welsh in view of GO fails to disclose all of the elements of Claim 1, from which Claim 5 depends. In addition, Greiner fails to teach or suggest at least the elements "at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations" and "selecting one of the source locations for the at least one of the one or more segments, wherein the data bundle is retrievable from any of the determined source locations corresponding to the at least one of the one or more segments", as recited in Claim 1 as amended. Therefore, Greiner does not cure the deficiencies of Welsh in view of GO with respect to Claim 1. Accordingly, neither Welsh in view of GO nor Greiner, alone or in combination, teaches or suggests all of the elements of Claim 1. Applicants respectfully submit that Claim 5 is allowable at least due to its dependency on Claim 1.

Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Welsh in view of GO as applied to Claims 1-3, 6-8, 10-13, 15-16 and 18-21 above, and further in view of U.S. Patent No. 6,486,892 to Stern (hereinafter "Stern"). Applicants respectfully traverse the rejection because Welsh in view of GO and in further view of Stern fails to teach or suggest all of the elements in Claims 9 and 14.

As stated above, Welsh in view of GO fails to disclose all of the elements of Claim 1, from which Claims 9 and 14 depend. In addition, Stern fails to teach or suggest at least the elements "at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations" and "selecting one of the source locations for the at least one of the one or more segments, wherein the data bundle is retrievable from any of the determined source locations corresponding to the at least one of the one or more segments", as recited in Claim 1 as amended. Therefore, Stern does not cure the deficiencies of Welsh in view of GO with respect to Claim 1. Accordingly, neither Welsh in view of GO nor Stern, alone or in combination, teaches or suggests all of the elements of Claim 1. Applicants respectfully submit that Claims 9 and 14 are allowable at least due to their dependency on Claim 1.

Conclusion

The arguments and amendments presented herein are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. The claims have not been amended to overcome the prior art and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which Applicants are entitled has been surrendered. Allowance of the claims is respectfully requested in view of the above remarks. Moreover, no amendments as presented alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,
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